

**INDIANA CODE SECTIONS  
AMENDED OR REPEALED BY PD 3103, THE FIRST DRAFT OF  
THE 2010 TECHNICAL CORRECTIONS BILL  
Prepared for the Code Revision Commission Meeting of October 28, 2009.**

**(1) AMENDMENTS TO CODE SECTIONS AND CODE SECTIONS ADDED:**

<u>SEC.</u>	<u>IC §</u>	<u>Page</u>	<u>Reason for Amendment or Addition:</u>	<u>Effective date:</u>	<u>Person consulted or original source of information:</u>
1.	2-3.5-5-3	1	Adding prepositions for clarity. The first sentence in subsection (b)(2) of IC 2-3.5-5-3 establishes two alternative deadlines for the implementation of a retirement fund member's choice as to allocation among available investment funds. The sentence sets forth the deadlines as follows: "... beginning the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the PERF board or an alternate date established by the rules of the board." For the sake of clarity, this SECTION inserts the preposition "on" into this sentence in two places, making it read, "... beginning <u>on</u> the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the PERF board or <u>on</u> an alternate date established by the rules of the board."	Upon passage	Peggy Piety, LSA attorney (original source)
2.	3-7-26.7-7	2	Nonstandard Code reference. IC 3-7-26.7-7 contains a reference to "IC 3-7". Because IC 3-7-26.7-7 is itself within the article IC 3-7, our Form & Style Manual dictates that this reference be expressed as "this article". This SECTION changes the reference accordingly.	Upon passage	
3.	3-10-4-4	3	Tabulation for the sake of clarity. The first sentence of IC 3-10-4-4 reads as follows: "Each vote cast or registered for the nominees for President and Vice President of the United States of a political party, group of petitioners, or a write-in candidate for President or Vice President of the United States is a vote cast or registered for all of the candidates for presidential electors of the party, group, or candidate and shall be so counted." The absence of the conjunction "or" between "a political party" and "group of petitioners" and the presence of the conjunction "or" after "group of petitioners" and before "write-in candidate" would tend to make the reader think at first that the sentence refers to three types of nominees, i.e., "nominees ... of a political party, group of petitioners, or a write-in candidate". Upon close examination, however, it is clear that this cannot be the intended meaning of the sentence. For the sake of clarity, this SECTION amends IC 3-10-4-4 so as to tabulate its first sentence, making the sentence read as follows: "Each vote cast or registered: <b>(1)</b> for the nominees for President and Vice President of the United States of: <b>(A)</b> a political party; <b>or (B)</b> a group of petitioners; or <b>(2) for a</b>	Upon passage	J. Bradley King and Pamela Potesta, Co-Directors, and Dale Simmons and Leslie Barnes, Co-Legal Counsel, Indiana Election Division, Sec. of State's Office

write-in candidate for President or Vice President of the United States; is a vote cast or registered for all of the candidates for presidential electors of the party, group, or **write-in** candidate and shall be so counted."

4.	4-4-10.9-1.2	3	Conflict resolution. IC 4-4-10.9-1.2 was amended in different ways by two 2009 acts, SEA 423 [P.L.2-2009] and HEA 1198 [P.L.1-2009]. Consequently, the Indiana Code now contains two versions of IC 4-4-10.9-1.2. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 4-4-10.9-1.2.	Upon passage	
5.	4-12-1-14.2	3	Conflict resolution. Before being amended in 2006, IC 4-12-1-14.2 annually appropriated a certain stream of money ("oil overcharge funds received from the federal government") to the division of family resources and children. IC 4-12-1-14.2 was amended in different ways in 2006 by P.L.145-2006 and P.L.181-2006. Consequently, the Indiana Code now contains two versions of IC 4-12-1-14.2. The version of IC 4-12-1-14.2 as amended by P.L.145-2006 appropriates the stream of money to the division of family resources, and the version of IC 4-12-1-14.2 as amended by P.L.181-2006 appropriates the stream of money to the lieutenant governor. It would seem, therefore, that the two 2006 amendments created a substantive conflict. However, a recent reexamination of the situation disclosed that P.L.145-2006: [1] changed the name of the former "division of family <i>and children</i> " to "the division of family <i>resources</i> " and [2] amended all Code sections that referred by name to the "division of family <i>and children</i> " so as to change those references in correspondence to the name change. In other words, the change that P.L.145-2006 made in IC 4-12-1-14.2 (replacing "division of family <i>and children</i> " with "division of family <i>resources</i> ") merely updated an existing reference to a certain agency whose name was being changed; it did not provide for the stream of money to go to a different agency. It was only P.L.181-2006, which amended IC 4-12-1-14.2 so as to replace "division of family and children" with " <i>lieutenant governor</i> ", that provided for the stream of money to go to a different agency. Therefore, the conflict between the two 2006 amendments was not substantive in nature. This SECTION merges the two versions of IC 4-12-1-14.2 so that the Indiana Code will again contain only one version of IC 4-12-1-14.2.	Upon passage	
6.	4-13.6-6-2	3	Reference to section being repealed. IC 4-13.6-6-2.7 expires by its own terms on July 1, 2009, and therefore is repealed by PD 3103. IC 4-13.6-6-2 contains a reference to IC 4-13.6-6-2.7 ("section 2.7 of this chapter"). This SECTION amends IC 4-13.6-6-2 so as to remove the reference to IC 4-13.6-6-2.7.	Upon passage	
7.	4-22-2-37.1	3	Conflict resolution. IC 4-22-2-37.1 was amended in different ways by three	Upon passage	Susan Montgomery,

			2009 acts, SEA 160 [P.L.160-2009] , SEA 365 [P.L.131-2009], and HEA 1573 [P.L.177-2009]. Consequently, the Indiana Code now contains three versions of IC 4-22-2-37.1. The three versions are technically and substantively compatible, so this SECTION merges the three versions so that the Indiana Code will again contain only one version of IC 4-22-2-37.1. This SECTION also inserts "state" into "the athletic commission under IC 25-9-1-4.5" in subsection (a)(32) of IC 4-22-2-37.1. The official name of the body, as established by IC 25-9-1-1, is "the <u>state</u> athletic commission".		LSA attorney (original source)
8.	4-33-6.5-2	7	Inserting a date certain. Subsection (c) of IC 4-33-6.5-2 contains a reference to "the effective date of this subsection". Subsection (c) was added to IC 4-33-6.5-2 by SECTION 10 of HEA 1285 [P.L.142-2009]. SECTION 10 of HEA 1285 was effective upon passage. Because HEA1285 was signed by the governor on May 12, 2009, the addition of subsection (c) to IC 4-33-6.5-2 took effect on May 12, 2009. This SECTION amends IC 4-33-6.5-2 by replacing "the effective date of this subsection" in subsection (c) with "May 12, 2009".	Upon passage	Roscoe Hooten, LSA attorney (original source)
9.	5-1.5-2-9	8	Incorrect internal reference. IC 5-1.5-2-9 refers to the executive director of the Indiana bond bank as being "appointed under section 2 of this chapter" (i.e., under IC 5-1.5-2-2). However, the provisions for the appointment of the executive director of the Indiana bond bank are not found in IC 5-1.5-2-2 but in IC 5-1.5-2- <u>3</u> . This SECTION amends IC 5-1.5-2-9 so as to change the reference to read, "appointed under section <u>3</u> of this chapter".	Upon passage	
10.	5-2-1-9	8	Conflict resolution. IC 5-2-1-9 was amended in different ways by two 2009 acts, HEA 1455 [P.L.93-2009] and HEA 1132 [P.L.77-2009]. Consequently, the Indiana Code now contains two versions of IC 5-2-1-9. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 5-2-1-9.	Upon passage	
11.	5-2-9-1.2	15	Conflict resolution. IC 5-2-9-1.2 was added to the Code in different ways by two 2009 acts, SEA 345 [P.L.130-2009] and HEA 1578 [P.L.116-2009]. Consequently, the Indiana Code now contains two versions of IC 5-2-9-1.2. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 5-2-9-1.2.	Upon passage	
12.	5-2-9-1.4	15	Conflict resolution. IC 5-2-9-1.4 was added to the Code in different ways by two 2009 acts, SEA 345 [P.L.130-2009] and HEA 1578 [P.L.116-2009]. Consequently, the Indiana Code now contains two versions of IC 5-2-9-1.4. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one	Upon passage	

version of IC 5-2-9-1.4.

13.	5-2-9-1.7	15	Conflict resolution. IC 5-2-9-1.7 was amended in different ways by two 2009 acts, SEA 345 [P.L.130-2009] and HEA 1578 [P.L.116-2009]. Consequently, the Indiana Code now contains two versions of IC 5-2-9-1.7. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 5-2-9-1.7.	Upon passage	
14.	5-2-9-5.5	15	Conflict resolution. IC 5-2-9-5.5 was added to the Code in different ways by two 2009 acts, SEA 345 [P.L.130-2009] and HEA 1578 [P.L.116-2009]. Consequently, the Indiana Code now contains two versions of IC 5-2-9-5.5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 5-2-9-5.5. This SECTION also replaces the reference in subsection (f) to "IC 5-2-9-5.5" with "this section" because the reference appears in IC 5-2-9-5.5 itself.	Upon passage	K.C. Norwalk, LSA attorney (original source)
15.	5-2-9-6.5	16	Conflict resolution. IC 5-2-9-6.5 was added to the Code in different ways by two 2009 acts, SEA 345 [P.L.130-2009] and HEA 1578 [P.L.116-2009]. Consequently, the Indiana Code now contains two versions of IC 5-2-9-6.5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 5-2-9-6.5.	Upon passage	
16.	5-10.2-2-3	16	Adding prepositions for clarity. The first sentence in subsection (e)(2) of IC 5-10.2-2-3 establishes two alternative deadlines for the implementation of a retirement fund member's choice as to allocation among available investment funds. The sentence sets forth the deadlines as follows: "... beginning the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the board or an alternate date established by the rules of the board." For the sake of clarity, this SECTION inserts the preposition "on" into this sentence in two places, making it read, "... beginning <u>on</u> the first day of the next calendar quarter that begins at least thirty (30) days after the selection is received by the board or <u>on</u> an alternate date established by the rules of the board."	Upon passage	Peggy Piety, LSA attorney (original source)
17.	5-10.2-3-7.5	18	Conflict resolution. IC 5-10.2-3-7.5 was amended in different ways by two 2009 acts, HEA 1498 [P.L.113-2009] and HEA 1546 [P.L.115-2009]. Consequently, the Indiana Code now contains two versions of IC 5-10.2-3-7.5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 5-10.2-3-7.5.	Upon passage	

18.	5-10.2-10-13	21	<p>Extraneous words. Clause (B) of IC 5-10.2-10-13(a)(1) contains two items setting forth conditions under which a company might fall within the definition of "scrutinized company" for the purposes of IC 5-10.2-10: either "(i) more than ten percent (10%) of the company's revenues or assets <u>is</u> linked to a state sponsor of terror <i>involve</i> oil related activities or mineral extraction activities" or "(ii) more than ten percent (10%) of the company's revenues or assets <u>is</u> linked to a state sponsor of terror <i>involve</i> power production activities." In each of these items, the verb "is" appears to be irrelevant to the meaning of the sentence; the transitive verb "involve" is operative. IC 5-10.2-10 was added to the Code by HB 1547, and the introduced version of HB 1547 contained the following condition for designating a company as a scrutinized company: "More than ten percent (10%) of the company's total revenues or assets <u>is</u> directly invested in or earned from a state sponsor of terror, and the company has failed to take substantial action." In this condition, as set forth in the introduced version of HB 1547, the verb "is" played an important part in describing the action for which a company might be declared a scrutinized company. But HB 1547 was amended extensively in the House Committee on Labor and Employment, and the committee report appears to have converted the condition in the introduced version into items (i) and (ii) of IC 5-10.2-10-13(a)(1)(B) as they presently read in the Code. In the process of this conversion, it appears that the word "is" was unintentionally retained and became part of the text of items (i) and (ii) of IC 5-10.2-10-13(a)(1)(B). This SECTION strikes "is" in both items (i) and (ii) of IC 5-10.2-10-13(a)(1)(B).</p>	Upon passage	Allen Morford, LSA attorney (original source)
19.	6-1.1-1-24	22	<p>Incorrect internal reference. IC 6-1.1-1-24 reads in pertinent part as follows: "If a transfer from a township assessor to the county assessor of the assessment duties ... results from the failure of a person elected to the office of township assessor to attain the certification of a level two assessor-appraiser ... as described in IC 36-2-15-5(e), a reference to the township assessor in this article is considered to be a reference to the county assessor." The reference to subsection (e) of IC 36-2-15-5 is incorrect because subsection (e) does not provide for the transfer of assessment duties from the township assessor to the county assessor if the township assessor fails to attain the certification of a level two assessor-appraiser. Rather, subsection (e) provides for the holding of a referendum in certain townships to determine whether the assessment duties will be transferred to the county assessor. It is subsection (c) of IC 36-2-15-5 that provides for the transfer of assessment duties from the township assessor to the county assessor if the township assessor fails to attain the certification of a level two assessor-appraiser. ["(c) If: (1) for a particular general election after June 30, 2008, the person elected to the office of township assessor has not attained the certification of a level two assessor-appraiser; or (2) for a particular general election after January 1, 2012, the person elected to the office of township assessor has not attained the certification of a level three assessor-appraiser; as provided in IC 3-8-1-23.6</p>	Upon passage	

before the date the term of office begins, the assessment duties prescribed by IC 6-1.1 that would otherwise be performed in the township by the township assessor are transferred to the county assessor on that date."] This SECTION amends IC 6-1.1-1-24 so as to change the reference from "IC 36-2-15-5(e)" to "IC 36-2-15-5(c)".

20.	6-1.1-12-2	22	Dangling modifier. Subsection (a) of IC 6-1.1-12-2 reads in part: " ... to qualify for the deduction provided by section 1 of this chapter a statement must be filed under subsection (b) or (c)." This sentence contains a dangling modifier; the prepositional phrase "to qualify for the deduction provided by section 1 of this chapter" should modify a noun like "taxpayer" or "person" because it is the taxpayer or person who will qualify for the deduction. Instead, the object of the prepositional phrase would seem to be "a statement", as though it was the statement that was qualifying for the deduction. The "section 1" referred to in the quoted sentence (i.e., IC 6-1.1-12-1) provides for " <u>a person</u> who is a resident of this state (to) receive a deduction". The subsections (b) and (c) referred to in the quoted sentence provide for a "person" who seeks a deduction to file a certain statement. Therefore, to eliminate the grammatical problem in subsection (a), this SECTION revises the prepositional phrase by inserting "person" at its beginning, making the sentence read as follows: " ... <u>for a person</u> to qualify for the deduction provided by section 1 of this chapter, a statement must be filed under subsection (b) or (c)."	Upon passage
21.	6-1.1-18-2	25	Reference to expired section. Subsection (a) of IC 6-1.1-18-2 contains a reference to IC 14-23-3-3, a section that expired by its own terms on January 1, 2009, and is repealed by PD 3103. This SECTION strikes that reference in IC 6-1.1-18-2.	Upon passage
22.	6-1.1-18-3	25	Expired subdivisions. Subsection (b) of IC 6-1.1-18-3 contains three subdivisions, subdivisions (6), (7), and (8), that expired by their own terms on January 1, 2009. This SECTION strikes those three subdivisions.	Upon passage
23.	6-1.1-20.6-7	26	Expired subsections. Subsections (a) and (b) of IC 6-1.1-20.6-7 expired by their own terms on January 1, 2009. This SECTION strikes subsections (a) and (b) and revises the designation of the remaining subsections accordingly.	Upon passage
24.	6-1.1-22-8.1	28	Conflict resolution. IC 6-1.1-22-8.1 was amended in different ways by two 2009 acts, HEA 1344 [P.L.87-2009] and HEA 1094 [P.L.136-2009]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-22-8.1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-22-8.1.	Upon passage
25.	8-1-26-24	33	Incorrect internal reference. Subsection (f) of IC 8-1-26-24 refers to "penalties	Upon passage

deposited under section 23(i) of this chapter." However, it is not subsection (i) of IC 8-1-26-23 that provides for the deposit of penalties imposed on persons for pipeline safety violations but subsection (k). IC 8-1-26-23(k) reads in part, "... the commission shall ... (3) Collect any civil penalties and deposit the penalties in the underground plant protection account." This SECTION amends IC 8-1-26-24 so as to change the reference in subsection (f) from "23(i) of this chapter" to "23(k) of this chapter".

26.	9-13-2-28	33	Expired subsection. Subsection (a) of IC 9-13-2-28 expired by its own terms on January 1, 2009. This SECTION strikes subsection (a).	Upon passage
27.	9-24-11-3	33	Conflict resolution. IC 9-24-11-3 was amended by four 2009 acts: HEA 1130 [P.L.76-2009], SEA 16 [P.L.101-2009], HEA 1323 [P.L.145-2009], and SEA 391 [P.L.162-2009]. As a result of these multiple amendments, the Indiana Code now contains three versions of IC 9-24-11-3. The three versions are technically and substantively compatible, so this SECTION merges the three versions so that the Indiana Code will again contain only one version of IC 9-24-11-3. One aspect of the merger deserves particular attention: Both HEA 1323 and SEA 16 added a new clause (B) to what is now subsection (c)(2) of IC 9-24-11-3, setting forth the description of one type of person whose presence in the front seat of the motor vehicle entitles an individual holding a probationary license to operate the motor vehicle while passengers are present in the vehicle. The clause (B) added by HEA 1323 read as follows: ["... the individual may not operate a motor vehicle in which there are passengers unless another individual who ..."] "(B) is the <u>individual's</u> parent, guardian, or stepparent who is at least twenty-one (21) years of age;" ["... is present in the front seat of the motor vehicle."]. The clause (B) added by SEA 16 read as follows: ["... the individual may not operate a motor vehicle in which there are passengers unless another individual who ..."] "(B) is the parent, guardian, or stepparent <u>of the operator</u> who is at least twenty-one (21) years of age;" ["... is present in the front seat of the motor vehicle."]. Simply combining the texts of these two versions of clause (B) produces the following: "(B) is the <u>individual's</u> parent, guardian, or stepparent <u>of the operator</u> who is at least twenty-one (21) years of age;". This combined text is confusing and difficult to read. The two versions of clause (B) must be merged in a way that does not distort the clearly intended meaning and that produces an easily understandable text. To achieve this end, this SECTION revises clause (B) as follows: ["... the individual may not operate a motor vehicle in which there are passengers unless another individual ..."] "(B) <b>who</b> is the <del>individual's</del> parent, guardian, or stepparent of the <del>operator who</del> <b>individual holding a probationary license and who</b> is at least twenty-one (21) years of age;" ["... is present in the front seat of the motor vehicle."]. Another change being made in this SECTION deserves particular attention: The subsection being re-designated as (c) contains a subdivision (3) that was not altered by any of the four 2009 acts amending IC 9-24-11-3. This subdivision (3) reads as follows:	Upon passage

"(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion." There is a problem in this sentence in that it imposes a requirement on "the individual and each occupant" to wear a seat belt, and yet it refers only to the seat belt as being "fastened about the occupant's body at all times". Surely the intent is for the seat belt worn by the individual operating the motor vehicle to remain fastened about that individual's body. To resolve this flaw, this SECTION revises subdivision (3) to read as follows: "(3) The individual may operate a motor vehicle only if: **(A) a safety belt is properly fastened about the body of the individual;** and **(B) a safety belt is properly fastened about the body of each occupant of the motor vehicle;** ~~has a safety belt properly fastened about the occupant's body~~ at all times when the motor vehicle is in motion."

28.	9-24-11-3.3	34	Conflict resolution. IC 9-24-11-3.3 was amended in different ways by two 2009 acts, SEA 16 [P.L.101-2009] and HEA 1323 [P.L.145-2009]. As a result, the Indiana Code now contains two versions of IC 9-24-11-3.3. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 9-24-11-3.3. Please note that the P.L.101-2009 version of IC 9-24-11-3.3 and the P.L.145-2009 version of IC 9-24-11-3.3 are very similar in their content, but the provisions that the two versions have in common are located in different places in the two versions. This might make it seem that the differences between the two versions are more extensive than they really are.	Upon passage	
29.	9-24-11-5	37	Conflict resolution. IC 9-24-11-5 was amended in different ways by two 2009 acts, HEA 1130 [P.L.76-2009] and SEA 391 [P.L.162-2009]. Consequently, the Indiana Code now contains two versions of IC 9-24-11-5. The two versions are technically and substantively compatible (in fact, the difference between the two versions involves only one word), so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 9-24-11-5.	Upon passage	
30.	9-29-5-2	39	Expired subsection. Subsection (a) of IC 9-29-5-2 expired by its own terms on January 1, 2009. This SECTION strikes subsection (a).	Upon passage	
31.	9-29-5-28	39	Incorrect internal reference. IC 9-29-5-28 reads as follows: "Except as provided in <u>IC 9-29-12-2.5(e)</u> and section 32.5 of this chapter, the registration fee for an antique motor vehicle under IC 9-18-12 is twelve dollars (\$12)." There is a problem in the text of IC 9-29-5-28 in that the Indiana Code contains no such section as "IC 9-29-12-2.5". The reference in IC 9-29-5-28 to "IC 9-29-12-2.5(e)" must have been intended as a reference to "IC 9- <u>18</u> -12-2.5(e)". A search of the Indiana Code discloses that only five sections contain both the term "registration fee" and the term "antique motor vehicle." Of these five, only IC 9- <u>18</u> -12-2.5 contains a subsection "(e)". And, in view of its text, subsection (e) of IC 9- <u>18</u> -12-2.5 fits extremely well	Upon passage	Susan Montgomery, LSA attorney (original source)



into the context of the sentence in IC 9-29-5-28. Subsection (e) of IC 9-18-12-2.5 reads as follows: "(e) The fee to register and display an authentic license plate from the model year of an antique motor vehicle is as provided in IC 9-29-5-32.5." IC 9-29-5-32.5, the section referred to in IC 9-18-12-2.5(e) and also referred to in IC 9-29-5-28 (as "section 32.5 of this chapter"), establishes a higher-than-normal registration fee for an antique motor vehicle if the antique motor vehicle is to display the authentic license plate that was issued by the state of Indiana for the year when the antique motor vehicle was new. This SECTION amends IC 9-29-5-28 so as to replace the reference to "IC 9-29-12-2.5(e)" with "IC 9-18-12-2.5(e)".

32.	10-12-2-5	39	Reversing unintentional change. P.L.99-2007 was an act to modernize certain Indiana Code language that referred to people with handicaps in ways that have come to be considered inappropriate. For example, "a disabled person" was changed by P.L.99-2007 to "an individual with a disability" and "if the individual is disabled" was changed by P.L.99-2007 to "if the individual has a disability". IC 10-12-2-5, one of the sections amended by P.L.99-2007, began with a sentence that read in part, "... the payment of disability expense reimbursements and disability pensions to <u>disabled employee beneficiaries</u> ." P.L.99-2007 changed this sentence to read, "... the payment of disability expense reimbursements and disability pensions to <u>beneficiaries of an employee with a disability</u> ." This change unintentionally altered the meaning of the sentence. The term "employee beneficiary" is defined for the purposes of IC 10-12 to mean "an eligible employee who: (1) completes an application to become an employee beneficiary; and (2) makes or causes to be made the proper deductions from wages as required by the pension trust" (IC 10-12-1-4). In short, for the purposes of IC 10-12, an "employee beneficiary" is an employee, not a beneficiary of an employee. This SECTION reverses the alteration in meaning resulting from the P.L.99-2007 amendment, changing "... the payment ... to <u>beneficiaries of an employee with a disability</u> " to "... the payment ... to <u>employee beneficiaries with a disability</u> ."	Upon passage	Peggy Piety, LSA attorney (original source)  John Rowings, Director LSA Office of Bill Drafting & Research
33.	10-14-3-10.6	40	Incorrect internal reference. Subsection (i)(1)(A) of IC 10-14-3-10.6 refers to the "declaration of a local disaster emergency by the executive officer of the unit <i>under section 23</i> of this chapter". But section 23 of the chapter (IC 10-14-3-23) does not provide for the declaration of a local disaster emergency; it provides that a person may not be compelled under IC 10-4-3 to submit to a physical examination, medical treatment, or immunization if submitting would be contrary to the person's religious convictions. It is section <u>29</u> of the chapter (IC 10-14-3-29) that provides for the declaration of a local disaster emergency. ("A local disaster emergency ... may be declared only by the principal executive officer of a political subdivision ... Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the clerk of the political subdivision.") This SECTION amends IC 10-14-3-10.6 so as to change the reference in subsection (i)(1)(A) from "section 23 of this chapter" to "section 29 of this chapter".	Upon passage	Mara Snyder, Legal & Code Services Branch Director & Chief Legal Counsel, Dept. of Homeland Sec.  Andy Hedges, LSA attorney (original source)

34.	10-15-2-10	42	Vestigial reference. A 2006 act [P.L.101-2006) changed the name of "the Indiana emergency management, fire and building services, and public safety training foundation" to "the Indiana homeland security foundation". The term "foundation" is defined by IC 10-15-1-5 for purposes of the whole article IC 10-15 as "the Indiana homeland security foundation." And IC 10-15-2-1, the section that establishes the foundation, refers to the foundation as "the Indiana homeland security foundation". However, subdivision (4) of IC 10-15-2-10 still provides that "the foundation" may sue and be sued in the name and style of "the Indiana Emergency Management, Fire and Building Services, and Public Safety Training Foundation". This SECTION amends IC 10-15-1-5 so as to change the name under which the foundation may sue and be sued to "the Indiana homeland security foundation".	Upon passage	Mara Snyder, Legal & Code Services Branch Director & Chief Legal Counsel, Dept of Homeland Sec.  Brad Gavin, Legal Counsel Dept. of Homeland Sec.
35.	12-15-1-20.4	43	Incorrect internal reference style. In subsection (a) of IC 12-15-1-20.4, in the text that follows subdivision (3), there is a reference to "subsection (a)(2)". Because this reference occurs within subsection (a), our Form and Style Manual provides for the reference to take this form: "subdivision (2)". This SECTION changes the reference to "subdivision (2)".	Upon passage	
36.	12-15-44.2-19	43	Expired subsection. Subsection (c) of IC 12-15-44.2-19 expired by its own terms on December 31, 2009. This SECTION strikes subsection (c).	Upon passage	
37.	13-11-2-203.5	43	Broader Administrative Code reference. Subsection (b) of IC 13-11-2-203.5, which was added to the Code by HEA 1589 [P.L.178-2009], provides that the term "small business," for the purposes of IC 13, "does not include a business subject to electronic waste regulation under 329 IAC 16-3-1." In the Indiana Administrative Code, Article 16 of Title 329 is the article on "Electronics Waste Management". Rule 3 of Article 16 is the Rule on "Exclusions," and Section 1 (i.e., 329 IAC 16-3-1) is the only section in Rule 3. In other words, "329 IAC 16-3-1" is not a reference to the part of the Administrative Code that specifies which businesses are "subject to electronic waste regulation". Instead, "329 IAC 16-3-1" is a reference to the part of the Administrative Code that specifies which businesses are <i>excluded</i> from electronic waste regulation. This SECTION replaces the reference to "329 IAC 16-3-1" in IC 13-11-2-203.5(b) with a broader reference to "329 IAC 16", the entire article on "Electronics Waste Management".	Upon passage	Bob Bond, LSA attorney (original source)  Sandra Flum, IDEM Office of External Affairs
38.	13-14-2-8	44	Incorrect internal reference. Subsection (a) of IC 13-14-2-8 provides that, " <u>(s)ubject to subsection (b)</u> , a restrictive covenant executed after June 30, 2009, is not subject to approval by the Indiana Department of Environmental Management. Subsection (b) of IC 13-14-2-8 sets forth what would appear to be intended as an exception to subsection (a)'s general rule that restrictive covenants executed after 6/30/2009 are not subject to IDEM approval. Subsection (b) reads as follows: "The department shall ... review and ... approve, disapprove, or partially approve and partially	Upon passage	Bob Bond, LSA attorney (original source)  Sandra Flum, IDEM Office of External Affairs

disapprove activities and land use restrictions described in IC 13-11-2-193.5(1) that are proposed as part of a remediation, closure, cleanup, (or) corrective action ... being required to be included in a restrictive covenant." The reference to "IC 13-11-2-193.5(1)" in subsection (b) must be incorrect. In IC 13-11-2-193.5, subdivision (1) addresses restrictive covenants that were executed "before July 1, 2009" and subdivision (2) addresses restrictive covenants that are executed "after June 30, 2009". Since subsection (a) of IC 13-14-2-8 states the general rule that a restrictive covenant executed after 6/30/2009 is not subject to approval by IDEM, the exception established by subsection (b) would have to concern restrictive covenants that are executed after 6/30/2009 but that are nonetheless subject to IDEM approval. However, subsection (b) refers to "land use restrictions described in IC 13-11-2-193.5(1)" and IC 13-11-2-193.5(1) describes restrictive covenants that were executed "before July 1, 2009". Subsection (b) would make sense as an exception to the general rule set forth in subsection (a) only if it concerned restrictive covenants executed after 6/30/2009, and it is subdivision (2) of IC 13-11-2-193.5 -- not subdivision (1) -- that concerns restrictive covenants executed after 6/30/2009 . Therefore, this SECTION replaces the reference to "IC 13-11-2-193.5(1)" in subsection (b) of IC 13-14-2-8 with a reference to "IC 13-11-2-193.5(2)".

39.	13-18-10-1	44	Conflict resolution. IC 13-18-10-1 was amended in different ways by two 2009 acts, P.L.81-2009 (HEA 1191) and P.L.127-2009 (SEA 221). Consequently, the Indiana Code now contains two versions of IC13-18-10-1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 13-18-10-1.	Upon passage	
40.	13-18-10-1.9	44	Conversion of noncode SECTION into Code section. Under SECTION 14 of SEA 221 [P.L.127-2009], which took effect May 12, 2009, certain specified sections within IC 13 -- as amended or added to the Code by SEA 221 effective July 1, 2009 -- would apply to an application for the approval of the department of environmental management for a confined feeding operation that was submitted to IDEM before May 12, 2009, but not approved by IDEM before May 12, 2009. Because SECTION 14 of SEA 221 will have substantive legal effect as long as an application submitted before 5/12/2009 is pending before IDEM, and because SECTION 14 does not expire as of any date certain, OCR believes that it may be the will of the Commission that SECTION 14 should be converted into a provision of the Indiana Code. This SECTION would add to the Code a new section numbered as IC 13-18-10-1.9. The text of this IC 13-18-10-1.9 would be the text of SECTION 14 of SEA 221, as modified to fit within the chapter of the Code on "Confined Feeding Control".	May 12, 2009 (retroactive)	Bob Bond, LSA attorney (original source)

41.	15-21-1-1	45	Missing term. In subdivision (5) and subdivision (6) of IC 15-21-1-1(a), the text in part reads, "at least seventy-five (75%)". The word "percent" must have been omitted from both subdivisions unintentionally. This SECTION inserts "percent" into subdivisions (5) and (6), making the text read, "at least seventy-five <u>percent</u> (75%)".	Upon passage	
42.	16-18-2-0.5	45	Revising internal reference to reflect relocation of law. Subsection (a)(7) of IC 16-18-2-0.5 refers to "(a) project resulting in the permanent elimination of lead-based paint hazards, conducted by persons certified under ... IC 13-17-14". The chapter IC 13-17-14, which was entitled "Lead-Based Paint Activities", was repealed in 2009 by SEA 202 [P.L.57-2009]. However, SEA 202 revised the text of IC 13-17-14 and transferred it to a new location in the Code, IC 16-41-39.8. This SECTION amends IC 16-18-2-0.5 by replacing the reference to "IC 13-17-14" with a reference to "IC 16-41-39.8".	Upon passage	Casey Kline, LSA attorney (original source)
43.	16-18-2-54.3	46	Recognizing new definition in definitions chapter. IC 16-35-8, a new chapter entitled "Hearing Aid Assistance", was added to the Code in 2009 by HEA 1311 [P.L.119-2009]. Section 1 of this new chapter (IC 16-35-8-1) defines the term "child" for the purposes of IC 16-35-8. Title 16 of the Code has a comprehensive definitions chapter, IC 16-18-2. According to the organizational scheme of Title 16, when a new definition is added to Title 16, either the new definition itself or a new section recognizing the new definition should be added to IC 16-18-2. HEA 1311 added the definition of "child" to IC 16-35-8 without making any addition to IC 16-18-2. This SECTION adds to IC 16-18-2 a new section numbered 54.3 which indicates that the term "child", for the purposes of IC 16-35-8, has the meaning set forth in IC 16-35-8-1.	Upon passage	Ann Naughton, LSA attorney (original source)
44.	16-18-2-143	46	Recognizing new definition in definitions chapter. IC 16-35-8, a new chapter entitled "Hearing Aid Assistance", was added to the Code in 2009 by HEA 1311 [P.L.119-2009]. Section 2 of this new chapter (IC 16-35-8-2) defines the term "fund" for the purposes of IC 16-35-8. Title 16 of the Code has a comprehensive definitions chapter, IC 16-18-2. According to the organizational scheme of Title 16, when a new definition is added to Title 16, either the new definition itself or a new section recognizing the new definition should be added to IC 16-18-2. HEA 1311 added the definition of "fund" to IC 16-35-8 without making any addition to IC 16-18-2. This SECTION amends IC 16-18-2-143, a section that already recognizes several definitions of the term "fund" in Title 16, to indicate that the term "fund," for the purposes of IC 16-35-8, has the meaning set forth in IC 16-35-8-2.	Upon passage	Ann Naughton, LSA attorney (original source)
45.	16-18-2-328.2	47	Recognizing new definition in definitions chapter. IC 16-32-3-1.5, a new section defining the term "service animal" for the purposes of	Upon passage	Susan Kennell, LSA attorney

IC 16-32-3, was added to the Code in 2009 by HEA 1603 [P.L.155-2009]. Title 16 of the Code has a comprehensive definitions chapter, IC 16-18-2. According to the organizational scheme of Title 16, when a new definition is added to Title 16, either the new definition itself or a new section recognizing the new definition should be added to IC 16-18-2. HEA 1603 added the definition of "service animal" to the chapter IC 16-32-3 without making any addition to IC 16-18-2. This SECTION adds to IC 16-18-2 a new section numbered 328.2 which indicates that the term "service animal", for the purposes of IC 16-32-3, has the meaning set forth in IC 16-32-3-1.5.

(original source)

46.	16-19-3-4.4	47	<p>Incorrect internal reference. Subsection (b) of IC 16-19-3-4.4 provides that certain rules "shall be enforced by local health officers under ... IC 16-22-8-34(a)(22)". However, subdivision (22) of IC 16-22-8-34(a) does not relate to the enforcement of rules. Subdivision (22) authorizes the Health and Hospital Corporation of Marion County to "adopt a schedule of and to collect reasonable charges for medical and mental health services." It is subdivision (23) of IC 16-22-8-34(a) that authorizes the Health and Hospital Corporation of Marion County to "enforce ... administrative rules". This SECTION amends IC 16-19-3-4.4 so as to replace the reference to "IC 16-22-8-34(a)(22)" in subsection (b) with a reference to "IC 16-22-8-34(a)(23)".</p>	Upon passage
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47.	16-41-8-4	48	<p>Use of synonym in place of defined term. SEA 181 [P.L.125-2009] amended IC 16-41-8-1 to add a definition of the term "potentially disease <u>transmitting</u> offense" for the purposes of the chapter IC 16-41-8, and added IC 16-41-8-5 to provide for the issuance of a court order requiring a defendant charged with the commission of a potentially disease transmitting offense to submit to a test to determine whether the defendant is infected with a dangerous disease. SEA 181 [P.L.125-2009] also added a new section numbered as IC 16-41-8-4. According to its subsection (a), IC 16-41-8-4 concerns "the release of medical information that may be relevant to the prosecution or defense of a person who has been charged with a potentially disease <u>transmitting</u> offense." However, subsection (b) of IC 16-41-8-4 provides for the filing of a petition for the release of medical information by a "(1) prosecuting attorney ... if the defendant has been charged with a potentially disease <u>causing</u> offense" and by a "(2) defendant who has been charged with a potentially disease <u>causing</u> offense ... if the medical information (of another person) would be relevant to the defendant's defense". The use of the term "potentially disease <u>causing</u> offense" in IC 16-41-8-4(b)(1) and (2) instead of "potentially disease <u>transmitting</u> offense" must have been unintentional. The term "potentially disease <u>transmitting</u> offense" is defined for the purposes of the chapter, but there is no definition of "potentially disease <u>causing</u> offense". Moreover, the term "potentially disease <u>transmitting</u> offense" is used nine times</p>	Upon passage	<p>Andy Hedges, LSA attorney (original source)</p>
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in IC 16-41-8, while the term "potentially disease causing offense" is used only twice, in IC 16-41-8-4(b)(1) and (2). This SECTION replaces "potentially disease causing offense" in IC 16-41-8-4(b)(1) and (2) with "potentially disease transmitting offense".

48.	16-41-39.8-6	49	Missing word. SEA 202 of the 2009 session [P.L.57-2009] added a new chapter to the Code entitled "Lead-Based Paint <u>Activities</u> " (IC 16-41-39.8). Also added to the Code by SEA 202 was a new section (IC 16-18-2-198.7) defining the term "lead-based paint <u>activities</u> " for the purposes of IC 16-41-39.8. Section 4 of the new chapter (IC 6-41-39.8-4) provides that "(a) lead-based paint <u>activities</u> training program must meet requirements specified in rules" and that the state department of health "may approve a lead-based paint <u>activities</u> training course" if certain requirements are satisfied. However, subsection (b)(9) of section 6 of the new chapter (IC 16-41-39.8-6(b)(9)) provides that the rules adopted under the new chapter must establish a reasonable fee "for a lead-based paint training program seeking approval of a lead-based paint training course". The word "activities" is missing from "lead-based paint training program" and lead-based paint training course" in IC 16-41-39.8-6(b)(9). This SECTION amends IC 16-41-39.8-6 by inserting "activities" in the two places in subsection (b)(9) from which it is missing, making the text read, "a lead-based paint <u>activities</u> training program seeking approval of a lead-based paint <u>activities</u> training course".	Upon passage
49.	20-19-3-9.2	50	Duplicate section numbers. Two completely different sections were added to the Code as "IC 20-19-3-9" in 2009 by HEA 1462 [P.L.121-2009] and HEA 1001(ss) [P.L.182-2009 (ss)]. PD 3103 repeals both of these sections and adds them back to the Code as "IC 20-19-3-9.2" and "IC 20-19-3-9.4". This SECTION adds to the Code as "IC 20-19-3-9.2" the text of the version of IC 20-19-3-9 that was added by HEA 1462 of 2009 [P.L.121-2009].	Upon passage
50.	20-19-3-9.4	51	Duplicate section numbers. Two completely different sections were added to the Code as "IC 20-19-3-9" in 2009 by HEA 1462 [P.L.121-2009] and HEA 1001(ss) [P.L.182-2009 (ss)]. PD 3103 repeals both of these sections and adds them back to the Code as "IC 20-19-3-9.2" and "IC 20-19-3-9.4". This SECTION adds to the Code as "IC 20-19-3-9.4" the text of the version of IC 20-19-3-9 that was added by HEA 1001(ss) of 2009 [P.L.182-1009 (ss)].	Upon passage
51.	20-23-6-18	51	Incorrect subsection designation. IC 20-23-6-18 consists of only two subsections, but the second subsection is designated as "(c)". This SECTION changes the designation of the second subsection to "(b)".	Upon passage
52.	20-33-2-9	51	Incorrect internal reference. The first sentence of IC 20-33-2-9 contains a reference to "section 6(a)(3) of this chapter." This reference cannot be correct	Upon passage

because the text of "section 6" (i.e., IC 20-33-2-6) is not divided into subsections. IC 20-33-2-6 and IC 20-33-2-9 were both added to the Indiana Code in 2005 by the Title 20 recodification act, P.L.1-2005. The reference to "section 6(a)(3) of this chapter" was present in IC 20-33-2-9 in its original 2005 form. And IC 20-33-2-6, in its original 2005 form, was divided into two subsections, subsection (a) and subsection (b). IC 20-33-2-6 was amended by a second 2005 act, P.L.242-2005. The P.L.242-2005 amendment entirely eliminated what had been subsection (b) of IC 20-33-2-6. (The text that remains in IC 20-33-2-6 in its current form is what was originally subsection (a) of IC 20-33-2-6.) However, P.L.242-2005 did not amend the reference to "section 6(a)(3) of this chapter" in IC 20-33-2-9 in correspondence with its elimination of IC 20-33-2-6's subsection (b). Since what was previously subsection (a)(3) of IC 20-33-2-6 is still present in IC 20-33-2-6 as subdivision (3), this SECTION amends IC 20-33-2-9 so as to replace the reference to "section 6(a)(3) of this chapter" with "section 6(3) of this chapter".

53.	20-38-3-3	52	Missing preposition. The first sentence in IC 20-38-3-3 begins as follows: "Except as otherwise provided paragraph B, this compact ...". The word "in" must have been intended for inclusion between "provided" and "paragraph". This SECTION inserts "in" in that place, making the sentence read: "Except as otherwise provided <u>in</u> paragraph B, this compact ..."	Upon passage	Sarah Freeman, LSA attorney (original source)
54.	20-38-3-13	53	Misspelling. In D. 2. of IC 20-38-3-13 (which is part of an interstate compact), in the term "United States District Court", the word "States" is misspelled as "State". This SECTION replaces "State" with "States".	Upon passage	
55.	21-29-2-3	54	Incorrect internal reference. Subsection (c)(3) of IC 21-29-2-3 refers to "a state educational institution (as defined in <u>IC 20-12-0.5-1</u> ).". But the definition of "state educational institution" has been relocated from IC 20-12-0.5-1 to IC 21-7-13-32. Moreover, the definition of "state educational institution" set forth in IC 21-7-13-32 already applies to IC 21-29-2-3. It is unnecessary to specify that "state educational institution", as used in IC 21-29-2-3, has the meaning set forth in IC 21-7-13-32 because IC 21-7-13-1 provides that all of the definitions set forth in IC 21-7-13 apply throughout Title 21. This SECTION amends IC 21-29-2-3 so as to eliminate "(as defined in <u>IC 20-12-0.5-1</u> )."	Upon passage	
56.	22-4-11-2	56	In the second sentence in subsection (d) of IC 22-4-11-2, the word "own <u>ing</u> " appears in this context: "... all contributions, penalties, and interest due and <u>owning</u> by the employer ...". The use of "owning" in this sentence must have been unintentional. The word intended for use in the sentence must have been "ow <u>ing</u> " (an adjective meaning "still to be paid"). This SECTION replaces "owning" with "owing".	Upon passage	Peggy Piety, LSA attorney (original source)

57.	22-4-11-3	58	<p>Vestigial language. Subsection (b) of IC 22-4-11-3 provides that the term "total payroll ... does not include the total payroll of any employer who elected <u>or is required</u> to become liable for payments in lieu of contributions". The reference in this sentence to an employer being "<i>required</i> to become liable for payments in lieu of contributions" is a vestige of an earlier version of HEA 1379 [P.L.175-2009], the 2009 act that added subsection (b) to IC 22-4-11-3. House Bill 1379 had included provisions under which an employer might be required to become liable for payments in lieu of contributions, but these provisions were not present in the enrolled act. (Under the law as amended by HEA 1379, an employer otherwise required to pay contributions under IC 22-4 <i>may elect</i> instead to become liable for payments in lieu of contributions.) Because an employer cannot be required to become liable for payments in lieu of contributions, this SECTION strikes the words "or is required" in IC 22-4-11-3(b).</p>	Upon passage	Peggy Piety, LSA attorney (original source)
58.	22-4-17-2	59	<p>Subsections (m) and (n) of IC 22-4-17-2, as amended by HEA 1379 [P.L.175-2009], refer to a "notification required by subsection (k)". However, it is not subsection (k) of IC 22-4-17-2 but subsection (<u>l</u>) that requires the notification in question: "In cases where the claimant's benefit eligibility or disqualification is disputed, the department shall promptly notify the claimant and the employer or employers directly involved or connected with the issue raised ..." This SECTION amends subsections (m) and (n) of IC 22-4-17-2 so as to replace the references to "subsection (k)" with "subsection (<u>l</u>)".</p>	Upon passage	Peggy Piety, LSA attorney (original source)
59.	22-8-1.1-35.7	63	<p>Omitted words. IC 22-8-1.1-35.7 provides that the commissioner of labor may file a warrant against an employer that fails to pay a penalty imposed under the occupational safety and health law, that the warrant becomes a judgment against the employer when the circuit court clerk records the warrant, and that after the warrant is recorded the commissioner may levy upon property of the employer that is held by a financial institution. Subsection (i) of IC 22-8-1.1-35.7 requires a financial institution to surrender an employer's property to the commissioner upon receiving a claim under IC 22-8-1.1-35.7, and then states: "If the employer's property exceeds the amount owed to the state by the employer, the financial institution shall surrender the employer's property in a amount equal to the amount owed." Surely what this sentence is intended to say is that if <u>the amount or value of</u> the employer's property exceeds the amount that the employer owes to the state, the financial institution is required to surrender only as much of the employer's property as is needed to satisfy the employer's debt. This SECTION amends IC 22-8-1.1-35.7 so as to make the sentence in subsection (i) read, "If <u>the amount or value of</u> the employer's property exceeds ..." In the same sentence, this SECTION also changes "in a amount" to "in <u>an</u> amount". This</p>	Upon passage	<p>Jeffry Carter Deputy Commissioner IOSHA IN Dept. of Labor</p> <p>Sean Keefer, Deputy Cmmsnr &amp; Legislative Director IN Dept. of Labor</p>



SECTION also changes the reference in the first sentence of subsection (i) ("After a warrant becomes a judgment under subsection (b) ...") from "subsection (b)" to "subsection (c)" because it is subsection (c) that provides for the amount of a warrant to become a judgment against the employer. This SECTION also makes other minor corrections.

60.	22-12-6-15	65	Vestigial reference. A 2006 act [P.L.101-2006) changed the name of "the Indiana emergency management, fire and building services, and public safety training foundation" to "the Indiana homeland security foundation". The term "foundation" is defined by IC 10-15-1-5 for purposes of the whole article IC 10-15 as "the Indiana <u>homeland security foundation</u> ." And IC 10-15-2-1, the section that establishes the foundation, refers to the foundation as "the Indiana homeland security foundation". However, subsection (b)(6) of IC 22-12-6-15 provides that the department of homeland security may accept payment by credit card for certifications, licenses, and fees, and other amounts payable to the "Indiana <u>emergency management, fire and building services, and public safety training foundation</u> ". This SECTION amends IC 22-12-6-15(b)(6) so as to replace the reference to the "Indiana emergency management, fire and building services, and public safety training foundation" with "the Indiana <u>homeland security foundation</u> ".	Upon passage	Mara Snyder, Legal & Code Services Branch Director and  Chief Legal Counsel, Dept. of Homeland Sec.  Brad Gavin, Legal Counsel Dept. of Homeland Sec.
61.	23-1-35-5	65	Incorrect reference style. Subsection (b) of IC 23-1-35-5 contains a reference to "IC 23-1-35-2(c)" and subsection (c) of IC 23-1-35-5 contains a reference to "IC 23-1-35-2(d)". Because these references occur within the chapter IC 23-1-35, our Form and Style Manual would dictate that these references be in this form: "section 2(c) of this chapter" and "section 2(d) of this chapter". This SECTION changes the references accordingly.	Upon passage	Andy Hedges, LSA attorney (original source)
62.	23-19-4-11	66	Conflict resolution. IC 23-19-4-11 was amended in different ways by two 2009 acts, HEA 1460 [P.L.149-2009] and HEA 1646 [P.L.156-2009]. Consequently, the Indiana Code now contains two versions of IC 23-19-4-11. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 23-19-4-11.	Upon passage	
63.	24-4-17-9	68	Proper form of articles. In subsection (a) of IC 24-4-17-9 "a" appears immediately before a noun beginning with a vowel, and in subsection (b) of IC 24-4-17-9 "an" appears immediately before a noun beginning with a consonant. This SECTION substitutes the proper form of the indefinite article in each case.	Upon passage	
64.	24-4-17-10	69	Incorrect internal reference. In its introduced form, HB 1271 of the 2009 session added a new chapter that was numbered IC 24-4-17 and entitled "Art	Upon passage	Andy Hedges, LSA attorney

Dealers and Consignment of Art". This chapter contained a section 10 under which a work of art placed on consignment with an art dealer was to become trust property; a section 11 providing that the work of art, even if sold, was to remain trust property until the balance due the artist from the sale was paid in full; and a section 12 providing that "(t)rust property under section 10 or 11 of this chapter is not subject to a claim, lien, or security interest of a creditor of the art dealer". HB 1271 was amended extensively in the second house committee. As reprinted on April 14, 1009, and as enacted into law, HB 1271 added a new chapter that was numbered IC 24-4-17 and entitled "Retail Consignment Sales". This chapter contains a section 8 under which an item placed on consignment with a retail merchant becomes trust property; a section 9 providing that the item, even if sold, remains trust property until the balance due the consignor from the sale is paid in full; and a section 10 (i.e., IC 24-4-17-10) providing that "(t)rust property under section 10 or 11 of this chapter is not subject to a claim, lien, or security interest of a creditor of the *retail merchant*." The reference to "section 10 or 11 of this chapter" in the new IC 24-4-17-10 cannot be right -- "section 10" (i.e., IC 24-4-17-10) is the same section in which the reference appears, and "section 11" (i.e., IC 24-4-17-11) does not relate to the status of the consigned property as trust property. It seems certain that the reference in IC 24-4-17-10 to "section 10" was meant as a reference to the section that was *renumbered as section 8* (i.e., IC 24-4-17-8) and that the reference in IC 24-4-17-10 to "section 11" was meant as a reference to the section that was renumbered as section 9 (i.e., IC 24-4-17-9), but that the needed corresponding change of "section 10 or 11 of this chapter" into "section 8 or 9 of this chapter" was not made when section 10 was renumbered as section 8 and section 11 was renumbered as section 9. This SECTION amends IC 24-4-17-10 so as to replace the reference to "section 10 or 11 of this chapter" with "section 8 or 9 of this chapter".

(original source)

65. 24-4-17-11 69

Wrong term used by mistake. Subsection (a) of IC 24-4-17-11 provides that a retail merchant may accept an item from a person for sale on consignment only if the retail merchant enters into a written contract with the person who is consigning the item to the retail merchant. But subsection (b) of IC 24-4-17-11 then states: "If a consignor violates this section, the consignor may bring an action in a court with jurisdiction to void the consignor's contractual obligations to the retail merchant." Surely, the use of the term "consignor" as the third word in this sentence was unintentional and an error. IC 24-4-17-11 concerns only two parties: the retail merchant and the consignor. And it simply makes no sense to provide that *the consignor* may bring a civil action to void *the consignor's* contractual obligations in the event of a violation by the consignor. This would provide a party with a legal remedy for the party's own violation. Certainly the General Assembly intended no such provision. Moreover, it makes no sense to provide for what may happen in the event that the consignor "violates this section" because the consignor basically has no duties under the

Upon passage

Andy Hedges,  
LSA attorney  
(original source)

section. IC 24-4-17-11 contemplates the consignor turning the item over to a retail merchant and then being paid by the retail merchant according to the terms of the contract when the item is sold; it seems unlikely that a consignor could ever "violate" IC 24-4-17-11. This SECTION amends the first sentence of subsection (b) of IC 24-4-17-11 to replace "consignor" with "retail merchant", making the sentence read as follows: "If a retail merchant violates this section, the consignor may bring an action in a court with jurisdiction to void the consignor's contractual obligations to the retail merchant."

66.	25-1-2-6	69	Conflict resolution. IC 25-1-2-6 was amended in different ways by two 2009 acts, SEA 160 [P.L.160-2009] and SEA 96 [P.L.122-2009]. Consequently, the Indiana Code now contains two versions of IC 25-1-2-6. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 25-1-2-6.	Upon passage
67.	25-1-4-0.3	71	Conflict resolution. IC 25-1-4-0.3 was amended in different ways by two 2009 acts, SEA 160 [P.L.160-2009] and SEA 96 [P.L.122-2009]. Consequently, the Indiana Code now contains two versions of IC 25-1-4-0.3. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 25-1-4-0.3.	Upon passage
68.	25-1-7-1	72	Conflict resolution. IC 25-1-7-1 was amended in different ways by two 2009 acts, SEA 160 [P.L.160-2009] and SEA 96 [P.L.122-2009]. Consequently, the Indiana Code now contains two versions of IC 25-1-7-1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 25-1-7-1.	Upon passage
69.	25-1-8-1	73	Conflict resolution. IC 25-1-8-1 was amended in different ways by two 2009 acts, SEA 160 [P.L.160-2009] and SEA 96 [P.L.122-2009]. Consequently, the Indiana Code now contains two versions of IC 25-1-8-1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 25-1-8-1.	Upon passage
70.	25-1-8-6	75	Conflict resolution. IC 25-1-8-6 was amended in different ways by two 2009 acts, SEA 160 [P.L.160-2009] and SEA 96 [P.L.122-2009]. Consequently, the Indiana Code now contains two versions of IC 25-1-8-6. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 25-1-8-6.	Upon passage

71.	25-9-1-4.5	77	Striking word in conformity with definition. The state athletic commission is established by IC 25-9-1-1. IC 25-9-1-0.2 provides that the term " <u>commission</u> ", for the purposes of the chapter IC 25-9-1, "refers to the state athletic commission established by IC 25-9-1-1." In subsection (b) of IC 25-9-1-4.5 there are two references to "the <i>athletic</i> commission". These references were clearly meant to refer to the state athletic commission. This SECTION strikes the word "athletic" in these references in conformity with the definition of "commission" in IC 25-9-1-0.2.	Upon passage	
72.	25-14-5-6	77	Proper form of article. In two places in subdivision (2)(A) of IC 25-14-5-6, the indefinite article "a" appears immediately before "underserved", a word that begins with a vowel. This SECTION substitutes the proper form of the indefinite article, replacing "a" with "an" in both places.	Upon passage	Steve Wenning, LSA attorney (original source)
73.	25-17.3-4-2	78	Misspelling. Subsection (b) of IC 25-17.3-4-2 refers to an individual "who is <u>issused</u> a temporary license". This SECTION replaces "issused" with "issued".	Upon passage	Steve Wenning, LSA attorney (original source)
74.	26-1-9.1-509	79	Incorrect internal reference. Subsection (c) of IC 26-1-9.1-509 contains a reference to "IC 26-9.1-315(a)(2)". This reference cannot be correct because it would identify a chapter (title 26, article 9.1, chapter 315), and there is no chapter numbered as "IC 26-9.1-315" in the Indiana Code. The reference in subsection (c) of IC 26-1-9.1-509 occurs in this context: " <u>property that becomes collateral</u> under IC 26-9.1-315(a)(2)". Subsection (b)(2) of IC 26-1-9.1-509 includes identical language but a different statutory reference: "property that becomes collateral under IC 26- <u>1</u> -9.1-315(a)(2)". Apparently the reference to "IC 26-9.1-315(a)(2)" in subsection (c) was intended as a reference to "IC 26- <u>1</u> -9.1-315(a)(2)" but the "1" that should have followed "26" and preceded "9.1" was unintentionally omitted. This SECTION replaces the reference to "IC 26-9.1-315(a)(2)" in IC 26-1-9.1-509(c) with "IC 26- <u>1</u> -9.1-315(a)(2)".	Upon passage	Beth Swindle, UCC Coordinator Office of Sec. of State
75.	27-8-22-1	79	Incorrect internal reference. Before 1998, IC 27-8-22-1 provided that, for purposes of the law on patient billing, the term "health care provider" had the meaning set forth in IC 27-12-2-14. (IC 27-12-2-14 was the section of the medical malpractice law defining the term "health care provider".) The 1998 act to recodify Title 34 of the Indiana Code [P.L.1-1998] moved the medical malpractice law's definition of "health care provider" from IC 27-12-2-14 to the new IC 34-18-2- <u>14</u> . P.L.1-1998 also amended IC 27-8-22-1 to make a change corresponding to the relocation of the medical malpractice law's definition of "health care provider". However, P.L.1-1998 amended IC 27-8-22-1 to provide that, for purposes of the law on patient billing, the term "health care provider" had the meaning set forth in IC 34-18-2- <u>15</u> . This reference is incorrect.	Upon passage	Ann Naughton, LSA attorney (original source)

IC 34-18-2-15 defines the term "health facility" for purposes of the medical malpractice law, not "health care provider". This SECTION amends IC 27-8-22-1 so as to provide that, for purposes of the law on patient billing, the term "health care provider" has the meaning set forth in IC 34-18-2-14.

76.	29-2-16.1-13	79	Incorrect tabulation. Subdivision (3) of subsection (a) of IC 29-2-16.1-13 contains two clauses. Instead of being designated "(A)" and "(B)", these clauses are designated as "(1)" and "(2)". In keeping with the style prescribed by our Form & Style Manual, this SECTION changes the designation of the clauses from "(1)" and "(2)" to "(A)" and "(B)".	Upon passage	
77.	31-9-2-52	80	Incorrect references. IC 31-9-2-52 defines the term "health care provider" for the purpose of certain specified parts of Title 31 of the Indiana Code. IC 31-9-2-52 identifies "IC 31-32-6-4, IC 31-32-11-1, IC 31-33, <u>IC 31-34-7-4</u> , and <u>IC 31-39-8-4</u> " as the parts of Title 31 for which "health care provider" is defined. The term "health care provider" <i>is</i> contained in IC 31-32-6-4, IC 31-32-11-1, and two sections within IC 31-33 (IC 31-33-6-1 and IC 31-33-10-1). However, neither IC 31-34-7-4 nor IC 31-39-8-4 contains the term "health care provider". Both IC 31-34-7-4 and IC 31-39-8-4 were added to the Code by P.L.1-1997, the 1977 act recodifying Title 31, and neither of them has ever contained the term "health care provider". Moreover, the term "health care provider" does not appear in any section in IC 31-34 or IC 31-39, the articles in which IC 31-34-7-4 and IC 31-39-8-4 are located. This SECTION amends IC 31-9-2-52 so as to remove the provisions stating that IC 31-9-2-52 defines "health care provider" for the purpose of "IC 31-34-7-4" and "IC 31-39-8-4".	Upon passage	
78.	31-19-5-3	81	Faulty tabulation. As it is currently tabulated, IC 31-19-5-3 consists of a first line ("The registry's purpose is to determine the name and address of a father:") and two subdivisions, each of which is presumably intended to modify (that is, to say something about) "a father". Subdivision (2) reads as follows: "(2) who may have conceived a child for whom a petition for adoption has been or may be filed <u>to provide notice of the adoption to the putative father.</u> " The final ten words of subsection (2) do not seem to belong in subdivision (2). In fact, the inclusion of "to provide notice of the adoption to the putative father" as part of subdivision (2) suggests that the putative father "may have conceived a child" in order "to provide notice of the adoption to the putative father." This interpretation of subdivision (2) is absurd and cannot be what the General Assembly intended, but it is the interpretation that the current tabulation lends itself to. Upon close examination it is apparent that the final ten words of subsection (2) were intended to complete the thought whose expression is begun in the first line of IC 31-19-5-3, that is, to state <u>why</u> the name and address of a father is to be determined from the registry. This SECTION alters the current tabulation of IC 31-19-5-3, moving the last ten words of subdivision (2) out of subdivision (2) and onto a new line that begins at the left margin after	Upon passage	Ellen Holland, Legislative Director Dept. of Child Services  Deniece Safewright, Deputy Gen. Counsel Dept. of Child Services

subdivision (2). With this change, and with a few minor wording changes, IC 31-19-5-3 will read as follows: "The registry's purpose is to determine the name and address of a father (described in subdivisions (1) and (2)) **so that** notice of the adoption **may be provided** to the putative father."

79.	31-19-5-15	81	Inaccurate chapter reference. The chapter IC 31-19-5 establishes a putative father registry, the purpose of which is apparently to provide access to the name and address of the putative father of a child for whom a petition for adoption has been or may be filed so that notice of the pending adoption can be provided to the putative father. Subsection (a) of IC 31-19-5-15 provides that an attorney or agency that arranges an adoption may request that the registry be searched to determine whether a putative father "has filed a petition to establish paternity <u>under this chapter</u> ". Because IC 31-19-5 does not provide for the filing of a petition to establish paternity, this SECTION strikes the words "under this chapter".	Upon passage	Eliza Houston Stephenson, LSA attorney (original source)
80.	31-19-5-16	82	Inaccurate chapter reference. The chapter IC 31-19-5 establishes a putative father registry, the purpose of which is apparently to provide access to the name and address of the putative father of a child for whom a petition for adoption has been or may be filed so that notice of the pending adoption can be provided to the putative father. Subsections (a)(2) and (c) of IC 31-19-5-16 refer to the filing of "a petition to establish paternity <u>under this chapter</u> ". Because IC 31-19-5 does not provide for the filing of a petition to establish paternity, this SECTION strikes the words "under this chapter".	Upon passage	Eliza Houston Stephenson, LSA attorney (original source)
81.	31-19-17-3	82	Conflict resolution. IC 31-19-17-3 was amended in different ways by two 2009 acts, SEA 280 [P.L.58-2009] and SEA 365 [P.L.131-2009]. Consequently, the Indiana Code now contains two versions of IC 31-19-17-3. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 31-19-17-3.	Upon passage	
82.	31-19-17-5	82	Conflict resolution. IC 31-19-17-5 was amended in different ways by two 2009 acts, SEA 280 [P.L.58-2009] and SEA 365 [P.L.131-2009]. Consequently, the Indiana Code now contains two versions of IC 31-19-17-5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 31-19-17-5.	Upon passage	
83.	31-37-17-1	83	Conflict resolution. IC 31-37-17-1 was amended in different ways by two 2009 acts, HEA 1536 [P.L.114-2009] and SEA 365 [P.L.131-2009]. Consequently, the Indiana Code now contains two versions of IC 31-37-17-1. The two versions are technically and substantively compatible, so this SECTION merges the two	Upon passage	

versions so that the Indiana Code will again contain only one version of IC 31-37-17-1.

84.	32-25.5-3-2	83	Unneeded article. Subsection (b) of IC 32-25.5-3-2 contains two references to a notice of the date, time, and place for a special meeting of the members of a homeowners association. Only a single article is needed in the series of three nouns (" <u>the</u> date, time, and place"). In the first reference, however, there is an unneeded second article immediately preceding the third noun in the series ("the date, time, and <u>the</u> place"). This SECTION strikes that unneeded second article.	Upon passage	
85.	32-28-3-9	84	Conforming recodified section to prior version. In P.L.2-2002, the act that recodified Title 32 of the Indiana Code, IC 32-28-3-9 replaced the former IC 32-8-3-9, a Code section consisting mainly of language dating back to 1909. Recently it was pointed out that a few changes in IC 32-28-3-9 would bring that section into closer conformity with the substance of the pre-recodification statute. Specifically: [1] In subsection (b), the words "in order to . . . <i>hold a lien</i> " should be replaced with "in order to ... <i>acquire rights under this section</i> " because the old IC 32-8-3-9 did not use the word "lien" and did not provide for a subcontractor, lessor, journeyman, or laborer who was owed money by an employer or lessee to acquire a formal lien. [2] In the first sentence of subsection (b), which provides that a subcontractor, lessor, journeyman, or laborer, in order to acquire rights under the section, must give written notice to the property owner of the person's claim for work that the person has performed or equipment or tools the person has leased, an exception for subsection (f) should be inserted ("except as provided <u>in subsection (f)</u> ") because, under subsection (f), a subcontractor, lessor, journeyman, or laborer can acquire rights under the section by giving written notice to the property owner <u>before</u> performing the work or leasing the equipment or tools. [3] Subsection (f) provides that a subcontractor, lessor, journeyman, or laborer can acquire rights under the section by giving notice before doing the work or providing the equipment or tools. But subsection (f) begins as follows: "This <u>section</u> applies to a person ... who gives written notice ... before labor is performed or materials or machinery is furnished." The word "section" in this sentence should be replaced with " <u>subsection</u> " because it is subsection (f), not the entire section, that deals with persons who give notice before doing the work or providing the equipment or tools. [4] In the second sentence of subsection (f), in the provision stating that a "person described in <u>subsection (a)</u> has the same rights and remedies as are provided ... for persons who serve notice <i>after</i> performing the labor or furnishing the materials or machinery", the reference to "subsection (a)" should be changed to " <u>this subsection</u> ". It is <i>subsection (f)</i> that deals exclusively with persons who serve notice <u>before</u> performing the labor or furnishing the materials or machinery. Subsection (a) deals with persons who provide notice <i>after</i> performing the labor or furnishing the materials or machinery	Upon passage	J. Earl Tison, attorney Columbia City, IN (original source)

as well as persons who provide notice *before* performing the labor or furnishing the materials or machinery.

86.	32-33-20-5	85	Preposition placement. Subsection (c) of IC 32-33-20-5 provides that a written notice shall be sent "... <u>to</u> ; (1) an address designated ... by the customer; or (2) if the customer has not designated an address ... <u>to</u> the customer's last known address". Proper tabulation style would militate against placing a "to" immediately before the subdivisions and placing a second "to" within subdivision (2). This SECTION moves the first "to" from its position immediately preceding subdivision (1) to the beginning of subdivision (1), making the sentence read as follows: "... the end user shall send written notice ... return receipt requested: (1) <u>to</u> an address designated ... by the customer; or (2) if the customer has not designated an address ... <u>to</u> the customer's last known address".	Upon passage	
87.	33-23-15-3	86	Missing preposition. The first sentence of IC 33-23-15-3 provides that a person who receives an adverse decision "may seek review the decision". The preposition "of" must have been omitted from this sentence unintentionally. This SECTION inserts "of", making the text read "may seek review <u>of</u> the decision".	Upon passage	
88.	33-24-6-3	86	Conflict resolution. IC 33-24-6-3 was amended in different ways by two 2009 acts, HEA 1428 [P.L.110-2009] and SEA 345 [P.L.130-2009]. Consequently, the Indiana Code now contains two versions of IC 33-24-6-3. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 33-24-6-3. This SECTION also changes the designation of the items contained in subsection (a)(7)(B). In compliance with the style prescribed by our Form & Style Manual, this SECTION changes the designation from "(1)", "(2)", and "(3)" to "(i)", "(ii)", and "(iii)".	Upon passage	
89.	33-33-44-3	87	Reference to type of municipality. Subdivision (2) of IC 33-33-44-3 refers to "the LaGrange County courthouse in the <u>city</u> of LaGrange". However, LaGrange is a town, not a city. This SECTION amends IC 33-33-44-3 so as to replace "city" with " <u>town</u> ".	Upon passage	Susan Montgomery, LSA attorney (original source)  Town clerk, LaGrange, IN
90.	34-26-5-9	88	Conflict resolution. IC 34-26-5-9 was amended in different ways by two 2009 acts, HEA 1578 [P.L.116-2009] and SEA 345 [P.L.130-2009]. Consequently, the Indiana Code now contains two versions of IC 34-26-5-9. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 34-26-5-9.		



91.	34-26-5-18	90	Conflict resolution. IC 34-26-5-18 was amended in different ways by two 2009 acts, HEA 1578 [P.L.116-2009] and SEA 345 [P.L.130-2009]. Consequently, the Indiana Code now contains two versions of IC 34-26-5-18 . The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 34-26-5-18.	Upon passage	
92.	34-30-2-96.6	91	Recognizing section outside IC 34 that confers immunity. The organizational scheme of Title 34 calls for any Code section that is located outside Title 34 and that provides immunity from civil liability to be recognized and described in IC 34-30-2. HEA 1176 [P.L.52-2009] adds a new section numbered IC 24-5-23.5-8 that provides in part that a " ... real estate appraiser, creditor, borrower, potential borrower, or other person that makes, in good faith, a voluntarily disclosure of a suspected violation of (IC 24-5-23.5-7) to the homeowner protection unit ... is not liable to any person ... for (the) disclosure". Because IC 24-5-23.5-8 is a section that is located outside Title 34 and that provides immunity from civil liability, and because HEA 1176, in adding IC 24-5-23.5-8 to the Code, did not also provide for IC 24-5-23.5-8 to be recognized and described in IC 34-30-2, this SECTION adds to IC 34-30-2 a new section 96.6 that recognizes IC 24-5-23.5-8 as a provision located outside Title 34 that provides immunity from civil liability.	Upon passage	Sarah Burkman, LSA attorney (original source)
93.	35-38-2-2.4	91	Incorrect internal reference. IC 35-38-2-2.4 contains this reference: "a sex offender (as defined in IC 11-8-8-5)". However, it is IC 11-8-8-4.5, not IC 11-8-8-5, that defines the term "sex offender". This SECTION amends IC 35-38-2-2.4 so as to replace "IC 11-8-8-5" with "IC 11-8-8-4.5".	Upon passage	
94.	35-41-1-10.3	91	Definition out of alphabetical order. The chapter IC 35-41-1 sets forth many definitions that apply throughout Title 35 and "to all other statutes relating to penal offenses." Generally, each definition is contained within a single section. The definition sections are arranged within the chapter in alphabetical order. (IC 35-41-1-11 which defines the term "forcible felony", is followed by IC 35-41-1-12, which defines the term "governmental entity", etc.) However, IC 35-41-1-3.3 defines the term "the effects of battery", and it immediately follows IC 35-41-1-3.2 (defining "agency") and immediately precedes IC 35-41-1-4 (defining "bodily injury"). Therefore, IC 35-41-1-3.3 is out of proper alphabetical order. PD 3103 repeals IC 35-41-1-3.3 and relocates its contents to a new section numbered IC 35-41-1-10.3, which will immediately follow IC 35-41-1-10 (defining "dwelling") and immediately precede IC 35-41-1-10.5 (defining "family housing complex"). This SECTION adds the new section IC 35-41-1-10.3.	Upon passage	Andy Hedges, LSA attorney (original source)
95.	36-1-12-1	92	Conflict resolution. IC 36-1-12-1 was amended in different ways by two 2009 acts, HEA 1033 [P.L.71-2009] and HEA 1669 [P.L.99-2009]. Consequently,	Upon passage	

the Indiana Code now contains two versions of IC 36-1-12-1. The two versions are technically and substantively compatible (in fact, the difference between the two versions involves only one word), so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 36-1-12-1.

96.	36-1-12.5-2.5	92	Correcting reference to organization name. Subdivision (5) of IC 36-1-12.5-2.5 refers to the "American Standard Heating Refrigeration Air Conditioning Engineers (ASHRAE) standards". However, according to the organization's web site (www.ashrae.org), the official name of the organization in question is the "American <u>Society</u> of Heating, Refrigerating <u>and</u> Air-Conditioning Engineers". This SECTION amends IC 36-1-12.5-2.5 so as to replace the reference to "American Standard Heating Refrigeration Air Conditioning Engineers" with "American Society of Heating, Refrigerating, and Air-Conditioning Engineers".	Upon passage	
97.	36-7-9-5	92	Incorrect internal reference. Subsection (d)(2) of IC 36-7-9-5 refers to a "complaint requesting judicial review is filed under section 9 of this chapter". However, the section 9 referred to (IC 36-7-9-9) does not provide for the filing of a complaint requesting judicial review. It is section <u>8</u> of the chapter (IC 36-7-9-8) that includes this provision. IC 36-7-9-8(b) reads as follows: "A person requesting judicial review under this section must file a verified complaint including the findings of fact and the action taken by the hearing authority. The complaint must be filed within ten (10) days after the date when the action was taken." This SECTION amends IC 36-7-9-5(d)(2) so as to replace the reference to "section 9 of this chapter" with "section <u>8</u> of this chapter".	Upon passage	
98.	36-8-10-15	94	Reversing unintentional change. P.L.99-2007 was an act to modernize certain Indiana Code language that referred to people with handicaps in ways that have come to be considered inappropriate. For example, "a disabled person" was changed by P.L.99-2007 to "an individual with a disability" and "if the individual is disabled" was changed by P.L.99-2007 to "if the individual has a disability". IC 36-8-10-15, one of the sections amended by P.L.99-2007, began with a sentence that read in part, "... the payment of disability expense reimbursement and pensions to <u>disabled employee beneficiaries</u> ." P.L.99-2007 changed this sentence to read, "... the payment of disability expense reimbursement and pensions to <u>beneficiaries of an employee with a disability</u> ." This change unintentionally altered the meaning of the sentence. The term "employee beneficiary" is defined for the purposes of IC 36-8-10 to mean "an eligible employee who has completed an application to become an employee beneficiary and who has had the proper deductions made from his wages as required in the pension trust agreement." (IC 36-8-10-2). In short, for the purposes of IC 36-8-10, an "employee beneficiary" is an employee, not a beneficiary of an employee. This SECTION reverses the alteration in meaning resulting from the P.L.99-2007 amendment, changing "... the payment ... to <u>beneficiaries of an employee with a disability</u> " to "... the payment ... to <u>employee</u>	Upon passage	Peggy Piety, LSA attorney (original source)  John Rowings, Director LSA Office of Bill Drafting & Research

beneficiaries with a disability."

99.	36-8-10.5-7	94	Conflict resolution. IC 36-8-10.5-7 was amended in different ways by two 2009 acts, HEA 1455 [P.L.93-2009] and HEA 1428 [P.L.110-2009]. Consequently, the Indiana Code now contains two versions of IC 36-8-10.5-7. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 36-8-10.5-7.	Upon passage	
100.	36-8-12-10.9	95	Words missing from internal reference. HEA 1285 [P.L.142-2009] added a new subsection (c)(3) to IC 36-8-12- <del>10.5</del> and added a new subsection (b)(3) to IC 36-8-12- <del>10.7</del> . HEA 1285 also amended IC 36-8-12-10.9, inserting the following language into IC 36-8-12-10.9(c): "An employer shall administer an absence from employment as set forth in section 10.5(c)(3) or 10.7(b)(3) in a manner ..." The reference to "section 10.5(c)(3) or 10.7(b)(3)" was surely intended a reference to section 10.5(c)(3) or 10.7(b)(3) <u>of the chapter IC 36-8-12</u> . In conformity with the style prescribed by our Form & Style Manual, this SECTION inserts "of this chapter" into the reference in IC 36-8-12-10.9(c), making it read, "as set forth in section 10.5(c)(3) or 10.7(b)(3) <u>of this chapter</u> in a manner ..."	Upon passage	Peggy Piety, LSA attorney (original source)
101.	36-8-12-13	96	Conflict resolution. IC 13-11-2-191, which contains several definitions of the term "responsible party," was amended by SEA 221 [P.L.127-2009]. The SEA 221 amendment added a new subsection (a) to IC 13-11-2-191 and re-designated the other subsections accordingly (the former "(a)" became "(b)", the former "(b)" became "(c)", etc.). SEA 221 also made a corresponding change in IC 36-8-12-13. IC 36-8-12-13 contained a reference to "a responsible party (as defined in IC 13-11-2-191( <del>d</del> ))". SEA 221 amended IC 36-8-12-13 so as to replace the reference to "IC 13-11-2-191( <del>d</del> ))" with "IC 13-11-2-191( <del>e</del> ))". IC 36-8-12-13 was also amended by the 2009 budget bill, HEA 1001(ss) [P.L.182-2009(ss)]. HEA 1001(ss) added three new subsections to IC 36-8-12-13. However, the version of IC 36-8-12-13 that was used in HEA 1001(ss) did not incorporate the corresponding change that had been made in IC 36-8-12-13 by SEA 221. Consequently, there are now two versions of IC 36-8-12-13 in the Code -- one as amended by SEA 221 and one as amended by HEA 1001(ss). The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 36-8-12-13.	Upon passage	

**(2) REPEALERS OF CODE SECTIONS:**

<u>SEC.</u>	<u>§ Repealed</u>	<u>Page</u>	<u>Reason for the Repeal:</u>	<u>Effective Date of Repeal:</u>	<u>Consulted:</u>
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102.	1-1-3.2	97	<p>The chapter IC 1-1-3.2 was enacted as part of the 2009 budget bill, HEA 1001(ss) [P.L.182-2009(ss)], which was the product of a special session. IC 1-1-3.2 was intended to answer this question: "If the lead-in line of a SECTION in the 2009 budget bill states that the SECTION is to take effect as of "JULY 1, 2009", but the budget bill does not become law until <i>after</i> July 1, 2009, when does the SECTION take effect?" IC 1-1-3.2 provided that such a SECTION would take effect as of July 1, 2009, even if the 2009 budget bill did not become law until after July 1, 2009. However, the 2009 budget bill became law before July 1, 2009, so the situation in which IC 1-1-3.2 would have become operative never occurred. Moreover, IC 1-1-3.2 related specifically and exclusively to the 2009 budget bill -- it would have no effect on a budget bill enacted during any future special session. Therefore, IC 1-1-3.2 is of no present value and can be removed from the Indiana Code.</p>	Upon passage
	4-13.6-6-2.7		"This section expires July 1, 2009."	
	6-1.1-29-1		"This section expires December 31, 2008."	
	8-1-17-18.1		"This section expires June 30, 2009."	
	9-13-2-27.5		"This section expires January 1, 2009."	
	9-13-2-80		"This section expires January 1, 2009."	
	9-27-4		"This chapter expires January 1, 2009."	
	9-29-12-1		"This section expires January 1, 2009."	
	9-29-12-2		"This section expires January 1, 2009."	
	14-23-3-3		"This section expires January 1, 2009."	
	15-13-9		"This chapter expires January 1, 2009."	
	20-19-3-9		<p>Duplicate section numbers. Two completely different sections were added to the Code as "IC 20-19-3-9" in 2009 by HEA 1462 [P.L.121-2009] and HEA 1001(ss) [P.L.182-2009(ss)]. PD 3103 repeals both of these sections and adds them back to the Code as "IC 20-19-3-9.2" and "IC 20-19-3-9.4". This SECTION repeals both sections added to the Code as "IC 20-19-3-9" in 2009.</p>	
	20-43-3-3		"This section expires July 1, 2009."	

20-46-5-6	"This section expires January 1, 2009."		
20-46-6-8	"This section expires January 1, 2009."		
35-41-1-3.3	Definition out of alphabetical order. The chapter IC 35-41-1 sets forth many definitions that apply throughout Title 35 and "to all other statutes relating to penal offenses." Generally, each definition is contained within a single section. The definition sections are arranged within the chapter in alphabetical order. (IC 35-41-1-11 which defines the term "forcible felony", is followed by IC 35-41-1-12, which defines the term "governmental entity", etc.) However, IC 35-41-1-3.3 defines the term "the effects of battery", and it immediately follows IC 35-41-1-3.2 (defining "agency") and immediately precedes IC 35-41-1-4 (defining "bodily injury"). Therefore, IC 35-41-1-3.3 is out of proper alphabetical order. PD 3103 repeals IC 35-41-1-3.3 and relocates its contents to a new section numbered IC 35-41-1-10.3, which will immediately follow IC 35-41-1-10 (defining "dwelling") and immediately precede IC 35-41-1-10.5 (defining "family housing complex").	Upon passage	Andy Hedges, LSA attorney (original source)

### (3) AMENDMENTS TO NON-CODE SECTIONS:

<u>SEC.</u>	<u>Noncode § Amended</u>	<u>Page</u>	<u>Reason for Amendment:</u>	<u>Eff. date of amendment:</u>	<u>Consulted:</u>
103.	P.L.131-2009, SECTION 77	97	This SECTION requires the department of child services to develop the "education advocates for children in foster care plan" and provides that the plan must specify how "the programs for tutoring and mentoring for homeless children and foster care children, under <u>IC 20-5-2</u> , could assist the department with foster care children". The reference to "IC 20- <u>5</u> -2" cannot be correct because IC 20-5 was repealed in 2005. But IC 20- <u>50</u> -2 is a chapter entitled "Tutoring and Mentoring for Homeless Children and Foster Care Children". This SECTION amends SECTION 77 of P.L.131-2009, which expires December 31, 2010, by replacing the reference to "IC 20-5-2" with "IC 20- <u>50</u> -2".	Upon passage	K.C. Norwalk, LSA attorney (original source)

### (4) REPEALERS OF NON-CODE SECTIONS:

<u>SEC.</u>	<u>§ REPEALED</u>	<u>Page</u>	<u>Reason for the repeal:</u>	<u>Effective date of repeal:</u>	<u>Consulted:</u>
104.	P.L.127-2009, SECTION 14	97	Conversion of noncode SECTION into Code section. Under SECTION 14 of SEA 221 [P.L.127-2009], which took effect May 12, 2009, certain specified sections within IC 13 -- as amended	Upon passage	

or added to the Code by SEA 221 effective July 1, 2009 -- would apply to an application for the approval of the department of environmental management for a confined feeding operation that was submitted to IDEM before May 12, 2009, but not approved by IDEM before May 12, 2009. Because SECTION 14 of SEA 221 will have substantive legal effect as long as an application submitted before 5/12/2009 is pending before IDEM, and because SECTION 14 does not expire as of any date certain, OCR believes that it may be the will of the Commission that SECTION 14 should be converted into a provision of the Indiana Code. PD 3103 adds to the Code a new section numbered as IC 13-18-10-1.9 to replace SECTION 14 of SEA 221. This SECTION repeals SECTION 14 of SEA 221.

**(5) EMERGENCY CLAUSE:**

105.     **An emergency is declared for this act.**